

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA : SECOND PRELIMINARY ORDER
: OF FORFEITURE AS TO
-v.- : SPECIFIC PROPERTY
:
PAUL DAUGERDAS, : S6 09 Cr. 581 (DLC)
:
Defendant. :
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WHEREAS, on or about July 1, 2013, PAUL DAUGERDAS (the "Defendant"), and another, were charged in a seventeen-count Superseding Indictment, S6 09 Cr. 581 (the "Indictment"), with, among other offenses, conspiracy, in violation Title 18, United States Code, Section 371 (Count One); client tax evasion, in violation of Title 18, United States Code, Section 2, and Title 26, United States Code, Section 7201 (Counts Two through Eleven); corrupt endeavor to obstruct and impede the Internal Revenue Laws, in violation of Title 26, United States Code, Section 7212(a) (Count Thirteen); and mail fraud, in violation of Title 18, United States Code, Sections 1341 and 2 (Count Seventeen);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One and Seventeen, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C), 982(a)(2)(A) and Title 28, United States Code, Section 2461, of all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses charged in Counts One and Seventeen of the Indictment, including, *inter alia*, all of the Defendant's right, title and interest in various properties;

WHEREAS, on or about October 31, 2013, the jury returned a guilty verdict against the Defendant as to Counts One, Five through Seven, Eleven, Thirteen and Seventeen of the

Indictment;

WHEREAS, on or about June 26, 2014, the Court entered a Preliminary Order of Forfeiture as to Specific Property/Money Judgment against the Defendant, which (i) ordered the entry of a forfeiture money judgment in the amount of \$164,737,500 (the "Money Judgment"); and (ii) forfeited all of the Defendant's right, title and interest in various specific property (the "First Preliminary Order of Forfeiture") (D.E. 836);

WHEREAS, on or about August 6, 2018, the Court entered an Amended Preliminary Order of Forfeiture as to Certain Properties, correcting the description of certain assets included in the First Preliminary Order of Forfeiture (D.E. 938);

WHEREAS, on or about October 24, 2018, the Court entered a Second Amended Preliminary Order of Forfeiture as to Certain Properties, correcting the description of certain assets (D.E. 961);

WHEREAS, on or about August 13, 2021, the Government located an additional asset of the Defendant, specifically, any and all funds in Charles Schwab/TD Ameritrade, account number ending in -3337, held in the name of PMD Investments, LLC (the "Specific Property");

WHEREAS, the Government seeks the forfeiture of all of the Defendant's right, title and interest in the Specific Property, which constitutes proceeds traceable to the offenses charged in Counts One and Seventeen of the Indictment that the Defendant personally obtained;

WHEREAS, pursuant to 32.2(e)(1)(a) of the Federal Rules of Criminal Procedure the Court may, on the Government's motion, enter an order of forfeiture to include property located and identified after an original forfeiture order was entered; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(g), and Rules 32.2(b)(3), 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government is now entitled,

pending any assertion of third-party claims, to reduce the Specific Property to its possession and to notify any and all persons who reasonably appear to be a potential claimant of their interest herein;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offenses charged in Counts One and Seventeen of the Indictment, to which the Defendant was found guilty, all of the Defendant's right, title and interest in the Specific Property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Second Preliminary Order of Forfeiture as to Specific Property is final as to the Defendant, PAUL DAUGERDAS and shall be deemed part of the sentence of the Defendant and shall be included in the judgment of conviction therewith.

3. Upon entry of this Second Preliminary Order of Forfeiture as to Specific Property, the United States (or its designee) is hereby authorized to take possession of the Specific Property and to hold such property in its secure custody and control.

4. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) and 32.2(e) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, the United States is permitted to publish forfeiture notices on the government internet site, www.forfeiture.gov. This site incorporates the forfeiture notices that have been traditionally published in newspapers. The United States forthwith shall publish the internet ad for at least thirty (30) consecutive days. Any person, other than the Defendant, claiming interest in the Specific Property must file a Petition within sixty (60) days from the first day of publication of the Notice

on this official government internet web site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

5. The published notice of forfeiture shall state that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title or interest in the Specific Property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Specific Property, any additional facts supporting the petitioner's claim, and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

6. Pursuant to 32.2 (b)(6)(A) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Specific Property pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed. All Specific Property forfeited to the United States under a Final Order of Forfeiture shall be applied towards the satisfaction of the Money Judgment.

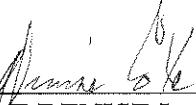
8. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

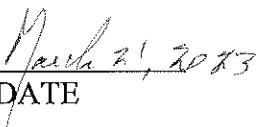
9. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate

or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

10. The Court shall retain jurisdiction to enforce this Second Preliminary Order of Forfeiture as to Specific Property, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

SO ORDERED:


HONORABLE DENISE L. COTE
UNITED STATES DISTRICT JUDGE


DATE